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PARTY

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TAGS: [ETRD](#) [PREL](#) [SCUL](#) [FR](#) [UNESCO](#)
SUBJECT: USUNESCO: UNESCO VOTES TO ADOPT CULTURAL
DIVERSITY CONVENTION: U.S. VOTES NO

Refs: A) Paris 7109, B) Paris 7128

1. (U) Summary. On October 20, by a vote of 148 in favor, 2 (U.S. and Israel) opposed, and 4 (Australia, Honduras, Liberia, and Nicaragua) abstentions, the UNESCO General Conference, meeting in plenary session, adopted the highly controversial Convention on the Protection and Promotion of the Diversity of Cultural Expressions ("the Convention"). Apart from the U.S. explanation of vote (EOV), 10 other EOVS also underscored in various ways that the Convention must be applied in a manner consistent with rights and obligations under other international instruments. The need to protect human rights in implementing the Convention, however, was given less stress in those interventions. The tone and substance of EU dealings with the U.S. on this issue remained hard-edged and unyielding down to the bitter end, as reflected in the UK's plenary EOV (on behalf of the EU), "This is a great day for UNESCO. With one country, we have agreed to disagree on this issue." End Summary.

2. (U) The vote took place in a room filled with delegation representatives, NGOs and press in an air of high anticipation. There were no catcalls or other undignified acts of which we are aware, after the results were announced. The States whose EOVS underscored the importance of respecting rights and obligations under other international agreements included Afghanistan, Albania, Australia, Iraq, Japan, Korea, New Zealand, Oman, Philippines, and Thailand. Only Australia, New Zealand, Philippines, and Thailand made explicit references in their EOVS to the need to protect trade rules, WTO agreements, and/or intellectual property obligations. Notably, the outgoing president of the Executive Board (a German) made an impassioned intervention appealing to the room not to speak of victories and defeats and calling for a Convention text that could eventually be accepted by all Member States, "otherwise it won't be credible." He went on to say that we "owe respect to different opinions" about the Convention, that the supporters of the Convention should take seriously the concerns that have been expressed, and noted his hope that the convention would be applied "in good faith."

3. (U) Before closing the plenary session on this item, Kadr Asmal, the South African who chaired the negotiating sessions of inter-governmental experts, was invited to the podium to make a final statement (Comment: many elements of which were clearly disingenuous). For instance, he said that the Convention should not be seen as a "French, or EU, or Canadian" convention and that it was "not part of a power play." He stated that the Convention was about more than radio and TV control and access, and also about "respect." He asserted that the Convention was "not adopted light-heartedly, frivolously, or rapidly." He said the Convention does not supercede other conventions, but rather is complementary to them. He thanked the Director General "for his steadfastness" during the negotiations of the Convention. He urged quick ratification of the Convention for its entry into force.

4. (U) Prior to the plenary session vote on the Convention's text, Commission IV met to review and approve a written report of its proceedings and to hear an oral report on its proceedings from the rapporteur. At that meeting, the U.S. delegation sought to add either a footnote or an additional paragraph to the written report to reflect the discussion and vote relating to a key U.S.-proposed amendment to improve an unhelpful Japanese Draft Resolution that provided an ambiguous interpretation of the Convention. The U.S. effort to have the record reflect this part of the Commission's proceedings was roundly opposed on the ground that it was inconsistent with UNESCO's practice regarding defeated draft amendments.

15. (U) For contextual background, the U.S. amendment had sought to include in the final paragraph of the Japanese resolution the verbatim wording of two principles enshrined in the UNESCO Constitution, namely, "the free flow of ideas by word and image" and the "free exchange of ideas and knowledge." As amended, the amended paragraph would have read: "Expresses its confidence that the Convention shall be implemented in a manner consistent with the principles and objectives of the Constitution of UNESCO, in particular the free flow of ideas by word and image" and the "free exchange of ideas and knowledge." However, our proposed amendment was defeated by a vote of 116 (opposed), 3 (Afghanistan, Israel, U.S.) in favor and 3 abstentions, and the written report of Commission IV remained silent regarding that telling vote. For the record, it is worth noting that Afghanistan, Australia, and Israel were also among those States (in addition to Kiribati, Korea, Philippines, Rwanda, Thailand) that had voted to support, or to abstain on, a number of the U.S.'s 28 proposed (but rejected) amendments to the Convention text (see reftels).

16. (U) However, at the plenary session, taking advantage of the fact that all plenary intervention are fully recorded, the U.S. delegation made an intervention that recalled the U.S. proposed amendment to the Japanese resolution and that verbatim wording taken from UNESCO's Constitution had been rejected by a vote for inclusion in the Japanese resolution.

17. (U) Comment. The full import of this convention on "culture" has, from its inception, too often been underestimated, misrepresented, and widely misunderstood by many. Despite an assiduous if unsuccessful U.S. Government effort to prevent this result, the Convention's adoption is now a fait accompli and its potential entry into force only 30 ratifications away from becoming a juridical reality. In many important respects, this Convention can be seen and exploited as a clarion call to take serious note of indicative diplomatic developments that have critical implications for U.S. multilateral diplomacy, for trans-Atlantic policy, and for U.S. outreach to the developing world.

18. (U) Comment continued. A key observation about the process that led to adoption of this instrument is the disturbing trend within UNESCO towards regional-group block voting that is either aimed at, or has the practical effect of, completely shutting out U.S. capacity to influence group decisions before they are reached. The adroit European Union maneuvering to land this Convention, tinged with complete disregard for its impact on the U.S., cannot be ignored. Nor can this victory's potential for emboldening the EU to pursue further such victories in multilateral forums, where it can once again count on surrogate supporters such as Canada, Brazil, India, and the G-77.

OLIVER